



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0692

Introduced 02/01/05, by Rep. Sidney H. Mathias

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-205.2 new
720 ILCS 5/Art. 16J heading new
720 ILCS 5/16J-5 new
720 ILCS 5/16J-10 new
720 ILCS 5/16J-15 new
720 ILCS 5/16J-20 new
720 ILCS 5/16J-25 new
720 ILCS 5/16J-30 new
720 ILCS 5/16J-35 new
720 ILCS 5/16J-40 new

Amends the Illinois Vehicle Code and the Criminal Code of 1961. Creates the offense of theft of motor fuel. Provides that a person commits the offense when he or she dispenses motor fuel into a storage container or the fuel tank of a motor vehicle at an establishment in which motor fuel is offered for retail sale and leaves the premises of the establishment without making payment or the authorized charge for the motor fuel. Creates certain presumptions. Establishes penalties. Provides for the suspension of the driver's license of a person convicted of theft of motor fuel for a period not to exceed 6 months for a first conviction and for a period not to exceed one year for a second or subsequent conviction.

LRB094 05090 RLC 35126 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning motor fuel theft.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by adding
5 Section 6-205.2 as follows:

6 (625 ILCS 5/6-205.2 new)

7 Sec. 6-205.2. Suspension of driver's license of person
8 convicted of theft of motor fuel. The driver's license of a
9 person convicted of theft of motor fuel under Section 16J-15 of
10 the Criminal Code of 1961 shall be suspended by the Secretary
11 for a period not to exceed 6 months for a first offense. Upon a
12 second or subsequent conviction for theft of motor fuel, the
13 suspension shall be for a period not to exceed one year. Upon
14 conviction of a person for theft of motor fuel, the court shall
15 order the person to surrender his or her driver's license to
16 the clerk of the court who shall forward the suspended license
17 to the Secretary.

18 Section 10. The Criminal Code of 1961 is amended by adding
19 Article 16J as follows:

20 (720 ILCS 5/Art. 16J heading new)

21 ARTICLE 16J. THEFT OF MOTOR FUEL

22 (720 ILCS 5/16J-5 new)

23 Sec. 16J-5. Legislative declaration. It is the public
24 policy of this State that the substantial burden placed upon
25 the economy of this State resulting from the rising incidence
26 of theft of motor fuel is a matter of grave concern to the
27 people of this State who have a right to be protected in their
28 health, safety and welfare from the effects of this crime.

1 (720 ILCS 5/16J-10 new)

2 Sec. 16J-10. Definitions. For the purposes of this Article:

3 "Motor fuel" means a liquid, regardless of its properties,
4 used to propel a vehicle, including gasoline and diesel.

5 "Retailer" means a person, business, or establishment that
6 sells motor fuel at retail.

7 "Vehicle" means a motor vehicle, motorcycle, or farm
8 implement that is self-propelled and that uses motor fuel for
9 propulsion.

10 (720 ILCS 5/16J-15 new)

11 Sec. 16J-15. Offense of theft of motor fuel. A person
12 commits the offense of theft of motor fuel when he or she
13 dispenses motor fuel into a storage container or the fuel tank
14 of a motor vehicle at an establishment in which motor fuel is
15 offered for retail sale and leaves the premises of the
16 establishment without making payment or the authorized charge
17 for the motor fuel.

18 (720 ILCS 5/16J-20 new)

19 Sec. 16J-20. Presumptions. If a person (1) dispenses motor
20 fuel into a storage container or the fuel tank of a motor
21 vehicle at an establishment in which motor fuel is offered for
22 retail sale and (2) leaves the premises of the establishment
23 without making the payment or authorized charge for the motor
24 fuel, that person is presumed to have dispensed the motor fuel
25 with the intention of retaining it or with the intention of
26 depriving the merchant permanently of the possession, use, or
27 benefit of the motor fuel and is presumed to be the owner of
28 the motor vehicle as registered with the Secretary of State.

29 (720 ILCS 5/16J-25 new)

30 Sec. 16J-25. Civil liability. A person who commits the
31 offense of theft of motor fuel as described in Section 16J-15
32 is civilly liable to the retailer as prescribed in Section
33 16A-7.

1 (720 ILCS 5/16J-30 new)

2 Sec. 16J-30. Sentence.

3 (a) Theft of motor fuel, the full retail value of which
4 does not exceed \$150, is a Class A misdemeanor.

5 (b) A person who has been convicted of theft of motor fuel,
6 the full retail value of which does not exceed \$150, and who
7 has been previously convicted of any type of theft, robbery,
8 armed robbery, burglary, residential burglary, possession of
9 burglary tools or home invasion is guilty of a Class 4 felony.

10 When a person has any such prior conviction, the information or
11 indictment charging that person shall state such prior
12 conviction so as to give notice of the State's intention to
13 treat the charge as a felony. The fact of such prior conviction
14 is not an element of the offense and may not be disclosed to
15 the jury during trial unless otherwise permitted by issues
16 properly raised during such trial.

17 (c) Any theft of motor fuel, the full retail value of which
18 exceeds \$150, is a Class 3 felony. When a charge of theft of
19 motor fuel, the full value of which exceeds \$150, is brought,
20 the value of the motor fuel involved is an element of the
21 offense to be resolved by the trier of fact as either exceeding
22 or not exceeding \$150.

23 (720 ILCS 5/16J-35 new)

24 Sec. 16J-35. Continuation of prior law. The provisions of
25 this Article insofar as they are the same or substantially the
26 same as those of Article 16 of this Code shall be construed as
27 a continuation of that Article 16 and not as a new enactment.

28 (720 ILCS 5/16J-40 new)

29 Sec. 16J-40. Severability. The provisions of this Article
30 are severable under Section 1.31 of the Statute on Statutes.